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ARIZONA ATTORNEY GENERAL

June 21, 1954
Opinion No. 54-88

TO: The Honorable Norman H. Whiting
Apache County Attorney
Courthouse
St. Johns, Arizona

RE: Confiscated weapons

QUESTION: How may weapons which have been
confiscated under the provisions
of Section 43-2205a, A.C.A. 1939,
be disposed of?

Section 43-2205a, A.C.A. 1939, provides as follows:

"43-2205a. Confiscation of concealed weapons.--Any weapon found concealed on the person of anyone convicted of violating section 43-2205 shall be confiscated and disposed of as provided by law, at public auction by the sheriff, chief of police, or other officer confiscating it."

You will note from the above section that, after conviction, the weapon shall be confiscated by the state. The problem then arises, in what manner can it be disposed of at public auction? The above-quoted section only provides that it may be disposed of as provided by law. Our search revealed that there is no specific statute setting forth the procedure of selling a confiscated weapon. We note that as to other confiscated property, such as property seized under the official game laws and under the liquor laws, there are specific statutes providing for the disposal of same. When any property is confiscated by a political subdivision, the title of said property then becomes vested in the political subdivision, unless the law otherwise provides.

Therefore, we must look to the general laws of the state to ascertain if there are any provisions in which property belonging to the county may be disposed of at public auction. Section 17-309,

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A.C.A. 1939, sets forth the powers of the board of supervisors.
Sub-section 9 is as follows:

"17-309. Powers of board enumerated.---
* * * * *

9. Sell at public auction at the court-house door, after thirty (30) days previous notice given by publication in a newspaper of the county, and convey to the highest bidder, for cash, any property belonging to the county and by the board deemed not needful for the use of the county, paying the proceeds into the county treasury for the use of the county; * * *

Therefore, it is our opinion that the board of supervisors, by following the provisions of Section 17-309 (9), supra, may provide for the sale of any confiscated weapon.

ROSS F. JONES
The Attorney General

IRWIN CANTOR
Assistant to The
Attorney General